UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/618
27 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 109

# RIGHT OF PEOPLES TO SELF-DETERMINATION

## Report of the Third Committee

Rapporteur: Ms. Victoria SANDRU (Romania)

## I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with item 108 at its 24th to 28th, 35th and 38th meetings, from 5 to 7 and on 13 and 14 November 1996, and took action at its 40th and 42nd meetings, on 15 and 18 November. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/51/24-28, 35, 38, 40 and 42).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/51/414);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/51/392);

(c) Letter dated 30 September 1996 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General, transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the fifty-first session

of the General Assembly, held in New York on 25 September 1996 (A/51/473-S/1996/839);

(d) Letter dated 21 October 1996 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/51/532-S/1996/864).

4. At the 24th meeting, on 5 November, the Assistant Secretary-General for Human Rights and the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made introductory statements (see A/C.3/51/SR.24).

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/51/L.25

5. At the 35th meeting, on 13 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Andorra, Angola, Austria, Bahrain, Bangladesh, Belgium, Brazil, Brunei Darussalam, Chile, Colombia, Cuba, Cyprus, Denmark, Djibouti, Egypt, Finland, France, Ghana, Greece, Guinea, Guinea-Bissau, Honduras, Indonesia, Ireland, Italy, Jordan, Kuwait, Lesotho, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Mauritania, Monaco, Morocco, Mozambique, Namibia, the Netherlands, the Niger, Nigeria, Oman, Pakistan, Portugal, Qatar, San Marino, Saudi Arabia, Senegal, Sierra Leone, Spain, the Sudan, Sweden, Tunisia, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Viet Nam, Yemen and Zambia, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/51/L.25). Subsequently, Japan, Kyrgyzstan and the Lao People's Democratic Republic joined in sponsoring the draft resolution.

6. At its 42nd meeting, on 18 November, the Committee adopted draft resolution A/C.3/51/L.25 by a recorded vote of 138 to 2, with 11 abstentions (see para. 17, draft resolution I). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco,

Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Argentina, Estonia, Fiji, Georgia, Latvia, Lithuania, Marshall Islands, Micronesia (Federated States of), Norway, Republic of Moldova, Uzbekistan.

7. Before the adoption of the draft resolution, statements were made by the representatives of Israel and the United States of America (see A/C.3/51/SR.42).

8. After the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic, the Islamic Republic of Iran, Norway and Argentina and the observer for Palestine (see A/C.3/51/SR.42).

## B. Draft resolution A/C.3/51/L.26

9. At the 35th meeting, on 13 November, the representative of Nigeria introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/51/L.26).

10. At the 40th meeting, on 15 November, the representative of Nigeria orally revised the draft resolution as follows:

(a) In the fourth preambular paragraph, the words "the danger which the activities of mercenaries constitute to developing countries, particularly in Africa" were replaced by the words "the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States";

(b) In operative paragraph 1, the words "to undermine the right of peoples to self-determination despite resolution 50.138" were replaced by the words "to violate the human rights of peoples and impede the exercise of self-determination despite resolution 50/138";

(c) In operative paragraph 7, the words "the new elements identified in" were deleted before the words "the use of mercenaries".

11. Afghanistan, Algeria, Cuba, Egypt, Ethiopia, Ghana, India, Kenya, Liberia, the Niger, Togo, Uganda and Viet Nam joined in sponsoring the draft resolution as orally revised.

12. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.26, as orally revised, by a recorded vote of 96 to 17, with 37 abstentions (see para. 17, draft resolution II). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Belarus, Bosnia and Herzegovina, Bulgaria, Congo, Croatia, Cyprus, Czech Republic, Estonia, France, Georgia, Greece, Ireland, Israel, Kazakstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, Uzbekistan.

13. Before the adoption of the draft resolution, statements were made by the representatives of Ireland and Ghana (see A/C.3/51/SR.40).

14. After the adoption of the draft resolution, a statement was made by the representative of Nigeria (see A/C.3/51/SR.40).

## C. Draft resolution A/C.3/51/L.28

15. At the 35th meeting, on 13 November, the representative of Pakistan, on behalf of Albania, Azerbaijan, Bosnia and Herzegovina, Brunei Darussalam, Chile, Costa Rica, Djibouti, Egypt, Honduras, Iran (Islamic Republic of), Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Sierra Leone, Singapore, Thailand and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/51/L.28). Subsequently, Togo joined in sponsoring the draft resolution.

16. At its 38th meeting, on 14 November, the Committee adopted draft resolution A/C.3/51/L.28 without a vote (see para. 17, draft resolution III).

## III. RECOMMENDATIONS OF THE THIRD COMMITTEE

17. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

### DRAFT RESOLUTION I

### The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in its Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Noting the developments in the Middle East peace process, including the mutual recognition and the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington on 13 September 1993 by the Palestine

---

[1] Resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] Resolution 1514 (XV).

[4] A/CONF.157/24 (Part I), chap. III.

[5] Resolution 50/6.

Liberation Organization, the representative of the Palestinian people, and the Government of Israel,[6] as well as the ensuing implementation agreements, in particular the interim agreement of 28 September 1995,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. Reaffirms the right of the Palestinian people to self-determination;

2. Expresses the hope that the Palestinian people will soon be exercising their right to self-determination in the current peace process;

3. Urges all States, specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

## DRAFT RESOLUTION II

### Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolutions 49/150 of 23 December 1994 and 50/138 of 21 December 1995,

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States, where democratically elected Governments have been overthrown by mercenaries or through mercenary international criminal activities,

---

[6] A/48/486-S/26560, annex.

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[7] adopted by the General Assembly in 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights[8] concerning the use of mercenaries and mercenary-related activities to topple sovereign Governments and to violate the human rights of peoples and impede the exercise of self-determination despite resolution 50/138;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity and political unity of sovereign States, or to promote secession or fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. Calls upon all States that have not yet done so to consider taking necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

6. Requests the Centre for Human Rights of the Secretariat, as a matter of priority, to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested where necessary, to render advisory services to States that are affected by the activities of mercenaries;

7. Requests the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right of peoples to self-determination to the General Assembly at its fifty-second session.

---

[7] Resolution 44/34, annex.

[8] A/51/392, annex.

DRAFT RESOLUTION III

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[9] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on

---

[9] Resolution 2200 A (XXI), annex.

Human Rights at its thirty-sixth,[10] thirty-seventh,[11] thirty-eighth,[12] thirty-ninth,[13] fortieth,[14] forty-first,[15] forty-second,[16] forty-third,[17] forty-fourth,[18] forty-fifth,[19] forty-sixth,[20] forty-seventh,[21] forty-eighth,[22] forty-ninth,[23] fiftieth,[24] fifty-first[25] and fifty-second[26] sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of

---

[10] See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

[11] Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

[12] Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

[13] Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

[14] Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

[15] Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

[16] Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

[17] Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

[18] Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

[19] Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

[20] Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

[21] Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

[22] Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

[23] Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

[24] Ibid., 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[25] Ibid., 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[26] See E/1996/L.18; to be issued in final form as Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1995/23).

7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993, 49/148 of 23 December 1994 and 50/139 of 21 December 1995,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[27]

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its fifty-second session under the item entitled "Right of peoples to self-determination".

---

[27] A/51/414.